IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 9088 of 2005

Between:

Chevuri Subbalakshmi, W/o. Venkata Subbarao Alias Tataji,
Penugonda, West Godavari District.

..... PETITIONER

AND

1 The Station House Officer, Penugonda Police Station, West Godavari District.
2 The Superintendent of Police, West Godavari District at Eluru.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce the husband of the Petitioner herein, namely Chevuri Venkata Subba Rao Alias Tataji before this Hon'ble Court, who was illegally detained from 14-04-2005 and set him at liberty forthwith.

Counsel for the Petitioner:TELEGRAM

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT PETITION NO.9088 OF 2005

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ORDER: (per the Hon'ble Sri Justice Goda Raghuram)

The Writ Petition is taken up on the basis of telegram dt.20.4.2005 complaining that the petitioner's husband one Chevuri Venkata Subba Rao is illegally detained and is being tortured since 14.4.2005 at the behest of one Kondababu and others. On notice, a counter affidavit has been filed by the Sub-Inspector of Police, Penugonda Police Station, denying the allegations, and in paragraph-4 of the counter affidavit it is stated that the individual was working with a finance company belonging to one Konda. Said Konda along with the alleged detenu came to the Police Station on 18.4.2005 and complained that the alleged detenu has to pay Rs.1,17,000/- to him

and he is not doing so. As it was not a case under criminal jurisdiction, the counter states, he was let off, as there was no cognizable complaint against him. It is further asserted in paragraph-4 of the counter affidavit that the alleged detenu is freely moving and residing along with his family members at Penugonda Village.

In the light of the averments made in the counter affidavit, this Writ Petition is dismissed.

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(GODA RAGHURAM, J)

3.5.2005

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(G. YETHIRAJULU, J)

bnr/rrb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Station House Officer,

Penugonda Police Station, West Godavari District.

2. The Superintendent of Police,

Penugonda Police Station, West Godavari District.

3. 2 CCs to Advocate General, High Court Bldgs., Hyderabad (OUT)

4. 2 CD copies